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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,889	08/27/2003	Frederick James Diggle III	030310	5109
26285	7590	10/01/2004	EXAMINER	
KIRKPATRICK & LOCKHART LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,889

Applicant(s)

DIGGLE, FREDERICK JAMES

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-14 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/648,889, Line Support Systems, filed on August 27, 2003.

Drawings

The drawings are objected to because reference number "50" is not in Figs. 6 or 7 as suggested by the specification on page 5, line 16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: --is-- should be inserted before "located" on page 6, line 7; and the sentence on page 6, lines 10-11 beginning with "Substantially" and ending with "member 30," appears to be grammatically incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,834,327 to Byrne. Byrne discloses a line support (1), comprising: a first support member (21, 22) having an elongate body; a second support member (17) having an elongate body, the first and second support members secured to one another at a proximal end of the line support and positioned such that the support is provided by a biasing force at a distal end of the line support wherein the first and second support members are resilient, and wherein the first and second support members are in close proximity to one another substantially along their lengths when the first and the second support members are unoccupied; a sliding retainer (1, 25) selectively positionable about the first and second support members and configured

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such that the biasing force is selectively adjustable; at least one protrusion (15) provided at a distal end of at least one of the first and second support members and capable of increasing grip of the biasing force; wherein the second support member further comprises at least one stirrup portion (5) positioned at a distal end of the second support member and extending laterally outwardly from the second support member and forming a loop; and wherein at least one of the first and second support members has an attachment mechanism capable of attaching the line support to a securing structure (col. 1, lines 10-18).

In regards to claim 20, Byrne discloses a line support comprising a first means for providing biasing force, a second means for providing a biasing force, and an adjustment means for providing a selectively adjustable biasing force, the adjustment means selectively positionable about the first and second means.

Allowable Subject Matter

Claims 4-10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,010,763 to Hogan

U.S. Patent 1,135,248 to Ball

U.S. Patent 3,357,520 to Foote

U.S. Patent 3,682,276 to Krauss

U.S. Patent 3,861,497 to Tsai

U.S. Patent 4,019,609 to Wagner

U.S. Patent 4,572,464 to Phillips

U.S. Patent 5,050,273 to Okura

U.S. Patent 6,029,870 to Giacona, III

U.S. Patent 6,119,993 to Youngblood, et al.


U.S. Patent 6,648,101 to Kurtgis

Hogan discloses a fireman's belt with safety strap. Ball discloses a device having a belt and a carrying device. Foote discloses a strand brake for a load lowering assembly. Krauss discloses a robe brake. Tsai discloses a life line. Wagner discloses a brake apparatus for use in rappelling. Phillips discloses a change-configuration climbing chock. Okura discloses a suspending wire or cable clamp for a telephone line. Giacona, III discloses a bottled drink carrier apparatus with a strap. Youngblood et al. disclose climbing anchors. Kurtgis discloses a fall protection lanyard apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

September 27, 2004